

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA

CHRISTOPHER HOLLIS, HERMAN
PURVIS, and VERAKA STURDIVANT on
behalf of themselves and all others similarly
situated,

Plaintiffs,

vs.

VALLEY PROTEINS, INC.,

Defendant.

CA No. 3:21-cv-00112-FDW-DSC

**SUPPLEMENTAL DECLARATION OF GILDA ADRIANA HERNANDEZ IN SUPPORT
OF PLAINTIFFS' UNOPPOSED MOTION FOR ATTORNEYS' FEES AND
REIMBURSEMENT OF EXPENSES AND PLAINTIFFS' MOTION FOR FINAL
APPROVAL OF SETTLEMENT AGREEMENT**

I, Gilda Adriana Hernandez, declare as follows:

1. I am an attorney in good standing, duly licensed and admitted to the North Carolina Bar. I am an attorney with the Law Offices of Gilda A. Hernandez, PLLC ("GAH"). The testimony set forth in this Declaration is based on first-hand knowledge, about which I could and would testify competently in open Court if called upon to do so, and on records contemporaneously generated and kept by my Firm in the ordinary course of its law practice.

2. I provide this Declaration for the purpose of setting forth the additional work completed by my firm in this action following our submission of February 18, 2022.

3. My prior declaration included work through February 18, 2022. However, such time did not include the time spent reviewing all motions, briefs, and declarations for any last-minute edits before having our firm file such preliminary approval documents. More significantly,

the preliminary approval filing was followed by preparing all final approval settlement documents for and participating in a Fairness and Final Approval Hearing with this Court, and preparing to address any potential issues, including, but not limited to, attorney's fees, service awards, the distinctions between the FLSA and the NCWhA, the Notice and forms, and information relating to Participating Rule 23 Settlement Class Members and FLSA Collective Members.

4. Following the filing of Plaintiffs' brief and supplemental brief in support of their motion for preliminary approval, GAH also had discussions that took place between the parties, as well as the settlement administrator, regarding notice, the response of class members, and Defendant's request for confirmation regarding the significant response rate and substantial estimated recovery of authorized claimants.

5. Additionally, GAH took the lead in drafting the final approval documents, a supporting declaration, and ensuring the Settlement Administrator, Angeion, also provided a declaration relating to its work in administering the Settlement, mailing the Notice, and addressing any issues relating to Class members' damages and distribution of the same.

6. Moreover, during the notice period, GAH received a significant number of phone calls from Class Members seeking more information regarding the settlement. Indeed, the class members in this action have been more vocal, inquisitive about the process and their rights, and overall eager to contact GAH and assist in the litigation to ensure final approval of the settlement than is typical in a class action of this size.¹

7. Regarding estimated settlement awards payments for authorized claimants, should the Court grant final approval, the highest, claimed settlement award is calculated to be

¹ Many individuals have already begun contacting GAH with information about the upcoming fairness, repeatedly thanking our firm for our efforts. Additionally, other individuals have contacted our firm,

\$125,220.42. I also estimate the average and median awards for class members will be approximately \$7,101.69 and \$1,634.82, respectively.

8. The additional hours and lodestar recorded since my prior declaration are:

Timekeeper	Position	Rate	Hours	Lodestar
Hernandez, Gilda A.	Attorney	\$750	51.6	\$38,700.00
Smith, Charlotte	Attorney	\$325	39.0	\$12,675.00
Wright, Matthew	Attorney	\$275	11.9	\$3,272.50
Kreuz, Rachael	Senior Paralegal	\$190	2.7	\$513.00
Green, Georgia	Paralegal	\$90.00	6.2	\$558.00
Total			111.4	\$55,718.50

9. When added to the prior reported lodestar, the updated totals are **1,675.1** hours, with a lodestar value of **\$762,892.00**.

Timekeeper	Position	Rate	Hours	Lodestar
Hernandez, Gilda A.	Attorney	\$750	631.3	\$473,475.00
Smith, Charlotte	Attorney	\$325	543.2	\$176,540.00
Wright, Matthew	Attorney	\$275	254.6	\$70,015.00
Holste, Brian	In-House Damages Analyst	\$195	49.5	\$9,652.50
Kreuz, Rachael	Senior Paralegal	\$190	70.5	\$13,395.00
Romero, Michelle	Paralegal	\$185	57.5	\$10,637.50
Rivera, Lisbeth	Paralegal	\$150	50.2	\$7,530.00

Green, Georgia	Paralegal	\$90.00	18.3	\$1,647.00
Total			1,675.1	\$762,892.00

10. Moreover, given the tremendous interest of class members and opt-in plaintiffs in the success of this settlement, I anticipate GAH will receive a substantial number of calls following the fairness hearing, with individuals requesting an update regarding the settlement's approval status and any anticipated timeline for payments, should the Court grant final approval.

11. As to expenses, my firm has incurred an additional expense of **\$4,326.77** due to a travel costs related to the upcoming final approval hearing as well as a delayed billing statement from the expert, Dr. Roberto Cavazos, retained by Plaintiffs in this case. These expense, in addition to those previously reported in my initial declaration, brings the total to **\$65,546.92**. As previously indicated, the expenses incurred were reasonable and necessary under the circumstances of this litigation. These books records are prepared from invoices, expenses vouchers, and other source materials and are an accurate record of the expenses incurred. The underlying invoices and receipts are available for inspection if the Court requests

12. Class counsel also anticipate incurring additional miscellaneous fees and expenses relating to any discussions with client(s) to discuss the fairness hearing, including potentially any in-person discussions with class members and opt-in plaintiffs located in the Western District to discuss settlement payments before and after distribution of such payments, and any other miscellaneous expenses not anticipated. Nevertheless, class counsel requests a total of **\$63,000** in litigation expenses, which is less than actual expenses incurred to date since the inception of this litigation.

I declare under penalty of perjury, under 28 U.S.C. § 1746, under the laws of North Carolina that the foregoing is true and correct to the best of my knowledge.

Executed this July 26, 2022.

/s/Gilda Adriana Hernandez

Gilda A. Hernandez (NCSB No. 36812)

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CERTIFICATION OF SERVICE

I hereby certify that on July 26, 2022, I electronically filed the foregoing true and accurate copy of **SUPPLEMENTAL DECLARATION OF GILDA ADRIANA HERNANDEZ IN SUPPORT OF PLAINTIFFS' UNOPPOSED MOTION FOR ATTORNEYS' FEES AND REIMBURSEMENT OF EXPENSES AND PLAINTIFFS' MOTION FOR FINAL APPROVAL OF SETTLEMENT AGREEMENT** with the Court using the CM/ECF system, and I hereby certify that I have thereby electronically served the document to the following:

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